

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DUKE ENERGY CAROLINAS, LLC,

Plaintiff/Counter-Defendant

vs.

NTE CAROLINAS II, LLC, NTE
CAROLINAS II HOLDINGS, LLC, NTE
ENERGY LLC, NTE SOUTHEAST
ELECTRIC COMPANY, LLC, NTE ENERGY
SERVICES COMPANY, LLC, and CASTILLO
INVESTMENT HOLDINGS II, LLC

Defendants/Counterclaimants/
Plaintiffs

vs.

DUKE ENERGY PROGRESS, LLC, AND
DUKE ENERGY CORPORATION

Defendants.

Civil Action No. 3:19-cv-515

**MOTION TO STRIKE DUKE’S
SUMMARY JUDGMENT FILING OR
FOR ALTERNATE RELIEF AND FOR
EXPEDITED REVIEW**

NTE Carolinas II, LLC, NTE Carolinas II Holdings, LLC, NTE Energy, LLC, NTE Southeast Electric Company, LLC, NTE Energy Services Co., and Castillo Investment Holdings II, LLC (collectively, “NTE”), by and through their undersigned attorneys, hereby move this Court for entry of an order striking Duke’s summary judgment filing (ECF #191–194) and requiring Duke to file a conforming brief on the grounds Duke’s filing does not comply with Local Civil Rule 7.1 and violates the letter and spirit of the Court’s order limiting summary judgment briefs to 35 pages. In the alternative, NTE respectfully requests that the Court permit NTE to file a brief of equivalent length—13,563 words—in opposition to Duke’s motion.

REQUEST FOR EXPEDITED REVIEW

NTE respectfully requests expedited review and resolution of this matter so that NTE has sufficient time to prepare its opposition to Duke's motion.

CONSULTATION WITH COUNSEL FOR DUKE

Pursuant to Local Civil Rule 7.1(b), undersigned counsel certify that they conferred with counsel for Duke to resolve this issue without seeking the Court's assistance. Duke, however, rejected NTE's request that it file a corrected memorandum that complies with the Local Rules and this Court's order and emailed a letter setting forth its position to the Court.

Respectfully submitted, this the 7th day of April, 2022.

s/ Marguerite S. Willis

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 7, 2022, NTE filed the foregoing Motion to Strike Duke's Summary Judgment Filing or for Alternate Relief and for Expedited Review via CM/ECF, which will serve all counsel of record.

/s Marguerite S. Willis

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